

Wetlands Bureau Decision Report

Decisions Taken
10/12/2009 to 10/18/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2008-02780 PSNH, SCHILLER STATION
PORTSMOUTH Piscataqua River**

Requested Action:

Retain dredge to the 37.5' MLLW contour within a 1,300 square foot footprint of tidal river bottom to provide the safety margin for underkeel clearance required by the US Coast Guard for oil vessels off-loading petroleum and coal at Schiller Station terminal dock, as conducted under Emergency Authorization 2008-2780 issued on 12/29/2009. Conduct maintenance dredge of the 1,300 square foot berth to the 37.5' contour over the life of the permit.

Conservation Commission/Staff Comments:

ARM Fund payment received.

APPROVE PERMIT:

Retain dredge to the 37.5' MLLW contour within a 1,300 square foot footprint of tidal river bottom to provide the safety margin for underkeel clearance required by the US Coast Guard for oil vessels off-loading petroleum and coal at Schiller Station terminal dock, as conducted under Emergency Authorization 2008-2780 issued on 12/29/2009. Conduct maintenance dredge of the 1,300 square foot berth to the 37.5' contour over the life of the permit.

With Conditions:

1. All work shall be in accordance with plans by Waterfront Engineers LLC dated March 25, 2009, as received by DES on 6/16/2009, and per plan by Ocean Surveys Inc. entitled "Post-Dredge Multibeam Hydrography- 37.5 Foot and Shoaler Contours - Schiller Station Terminal Berth" dated 4/17/2009, as received by DES on 6/16/2009.
2. High spots may be removed to the 37.5 MLLW contour within the 1,300 sq. ft. dredge footprint over the life of the permit, subject to the timing restrictions of the dredge window described below. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This approval is contingent on receipt by DES of a one time payment of \$ 7,980.00 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. All dredging and dredge materials disposal shall occur between November 15th and March 15th as required by administrative rule Wt 304.11.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands except for repair of existing structures per Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. On 12/22/2009 Public Service Company of New Hampshire ("PSNH") requested authorization to allow an on-going dredge operation to remove material in addition to the 186 cubic yards authorized under permit 2005-241. The request was a result of updated benthic survey data, which identified further "high spots" in the berth area, which were necessary to be removed to reach the underkeel clearance required by the US Coast Guard for safe berthing of vessels transporting oil. Immediate authorization for removal of these high spots allowed the dredging operation to continue uninterrupted to achieve the safety requirements.
4. On 12/29/2008 DES issued Emergency Authorization ("EA") 2008-2780 to allow an additional 200 cubic yards to be removed from the originally permitted 1,000 square foot berth footprint.
5. Condition number 3. of the EA required that an after-the-fact application be submitted to DES no later than 3/20/2009 for the work done.
6. On 2/19/2009, DES received a letter from PSNH dated 2/19/2009, stating that it had been discovered that a vertical control disk associated with the pre-dredge survey had been disturbed, changing the data results, requiring impact increases of an additional 200 cubic yards of material, and affecting an additional 300 square feet of berth footprint.
7. In the 2/19/2009 submission, PSNH also requested extensions to both the dredge window, and the application submission deadline, to March 31, 2009.
8. On 3/2/2009 DES issued an amended EA increasing the cubic yards authorized under the EA from 200 to 400, and increasing the berth footprint from 1,000 to 1,300 square feet, as well as extending the deadlines to March 31, 2009.
9. On 4/2/2009 DES received the after-the-fact application from PSNH.
10. On 6/16/2009 DES received the final multibeam survey for the berth from PSNH identifying remaining high spots. PSNH requested authorization to maintain the berth at the 37.5 contour over the life of the permit.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project is confined to the vessel berth immediately adjacent to the industrial dock, and removed bedrock substrate that was disposed of on-site in uplands at the Schiller facility.
12. The applicant has further mitigated for unavoidable impacts to the tidal resource in accordance with Env-Wt 302.03(b), and Chapter Env-Wt 800, through in-lieu fee payment of \$7,980.00 to the Aquatic Resource Mitigation ("ARM") fund, in accordance with Env-Wt 803.07.
13. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
14. There were no species of concern reported by the NH Natural Heritage Bureau as occurring within the project vicinity.
15. PSNH presented its proposal to the Federal Resource agencies and NH Fish and Game Marine Division ("NHFG") for comment on 12/24/2008, concurrent with the request for the Emergency Authorization.
16. On 2/20/2009 NHFG reported to DES that the agency had no objection to extension of the dredge window to 3/31/2009.
17. On 4/8/2009 PSNH presented the project to the NH Dredge Management Task Force, members of which include NH Division of Ports and Harbors, Army Corps, EPA, National Marine Fisheries, NHFG, and DES. No further comments were received from the federal resource agencies subsequent to the presentation.
18. The Portsmouth Conservation Commission recommended approval of the application in a letter dated 4/9/2009, received by DES on 4/13/2009.
19. The NH Division of Ports and Harbors has reviewed the project, and had no objection or concerns with the project, stating in a letter dated 10/8/2009, received by DES on 10/9/2009, that the project does not occur within the federal navigation channel, has no negative effect on navigation in the channel, and will enhance the safety of the vessels docking at the Schiller Station pier.
20. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project has not generated substantial public interest, and will not have a significant impact on or adversely affect the values of the resource, as identified under RSA 482-A:1.
21. DES finds that the project represents necessary impact to meet federal safety standards for protection of the public and the environment, and provides public benefit in facilitating the safe transport of utility fuels.

-Send to Governor and Executive Council-

**2009-00100 WEST RIVER ROAD LLC
SEABROOK Unnamed Wetland**

Requested Action:

Dredge and fill a total of 48,501 sq. ft. of previously impacted palustrine forested, scrub-shrub and emergent wetlands, including 4 (four) man-made detention basins and ditched or otherwise altered wetlands to expand the on-site parking area for the existing Seabrook Truck Center.

Compensatory wetlands mitigation will be provided by a 16.37 acre conservation easement as well as a conservation deed restriction to protect a total additional 4.01 acres of remaining land on the development site.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission did not submit written comments on this project. Pers Comm w/ Sue Foote, Chair of the Seabrook Cons Comm indicated approval of proposed mitigation.

Inspection Date: 05/08/2009 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 48,501 sq. ft. of previously impacted palustrine forested, scrub-shrub and emergent wetlands, including 4 (four) man-made detention basins and ditched or otherwise altered wetlands to expand the on-site parking area for the existing Seabrook Truck Center.

Compensatory wetlands mitigation will be provided by a 16.37 acre conservation easement as well as a conservation deed restriction to protect a total additional 4.01 acres of remaining land on the development site.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 12/29/08, as received by DES on January 22, 2009 and, last revised 07/20/09 with easements added, on October 08, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetland Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. Record approved plan with conservation easement for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

COMPENSATORY WETLANDS MITIGATION:

1. This permit is contingent upon the execution of a conservation easement on 16.37 acres as depicted on plans received January 22, 2009 and to be held by the Rockingham County Conservation District.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as

a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands ... in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 05, 2009. Field inspection determined that the site is entirely previously disturbed / developed. Very marginal low value man-made isolated wetlands.
6. NH SPGP review by USEPA and NMFS found this project to be 'Eligible as proposed' and 'No resources of concern' respectively.

**2009-00996 NORTHUMBERLAND, TOWN OF
NORTHUMBERLAND Roaring Brook**

Requested Action:

Impact 16,945 square feet for the replacement of two metal pipe arches (12 foot span) with a 50 foot span open bottom pre-cast concrete bridge (4,074 square feet); the replacement of a sewerline and waterline (5,266 square feet); and the reconstruction of the roadway embankment (7,605 square feet). Of these impacts 6,315 square feet will be temporary impacts for construction that shall be restored.

APPROVE PERMIT:

Impact 16,945 square feet for the replacement of two metal pipe arches (12 foot span) with a 50 foot span open bottom pre-cast concrete bridge (4,074 square feet); the replacement of a sewerline and waterline (5,266 square feet); and the reconstruction of the roadway embankment (7,605 square feet). Of these impacts 6,315 square feet will be temporary impacts for construction that shall be restored.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. entitled Brooklyn Street Over The Roaring Brook: Wetland Impact Plan (Sheet 1) and General Plan & Elevation (Sheet 3) revised September 2009, as received by the Department on September 14, 2009; and Water Diversion/Erosion Control Plan (Sheet 1) revised March 2009, as received by the Department on September 14, 2009.
2. The Town of Northumberland shall obtain easements from affected landowners and shall supply copies of the recorded easements to DES Wetlands File No. 2009-00996 prior to construction.
3. Work shall be done during low flow.
4. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
5. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.

6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
8. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Native material removed from the streambed during water main installation, shall be stockpiled separately and used to restore the natural channel bottom.
19. Area of temporary impact shall be restored to existing conditions following completion of work.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
25. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
26. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
27. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The existing culverts allows little to no water flow. The water has been forced to seep through the roadway embankment, causing washouts and road closures and preventing aquatic organism passage.
6. The new structure was designed to provide improved flow.
7. Hydraulic analysis determined the proposed work would not increase flood levels.
8. NH Fish and Game commented that the proposed structure is likely to provide fish passage
9. The bridge will be a single lane to minimize impacts to jurisdictional areas.
10. The roadway embankments will have a 2:1 or shallower slope allowing vegetation to grow.

11. Project revisions reduced the area of fill and rip-rap in the Upper Ammonoosuc River.
12. The applicant obtained permission for the work from one of the landowners and supplied a copy of the permission to DES Wetlands Bureau; permission from a second landowner is being pursued by the applicant and will be submitted to DES prior to construction.
13. The department received written agreement from the abutter, within twenty feet of the project, concurring with the project.
14. No comments were submitted from the NH Natural Heritage Bureau.
15. The applicant addressed comments from the Northumberland Conservation Commission.
16. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03 (c) as the project involves only riprap or other bank stabilization to protect existing infrastructure such as highways, bridges, dams, or buildings, or includes such work in combination with other qualifying criteria.
17. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2009-02331 BOLDUC, LINDA
LACONIA Unnamed Wetland Lake Opechee

Requested Action:

Dredge and fill 13,127 square feet of wetland and temporarily impact 7,543 square feet of wetland to create 500 linear feet of new stream channel that was previously culverted in the 1950's for residential development. Approximately 800 linear feet of existing culvert/stormwater drains will be abandoned to complete this water quality improvement project in Laconia.

Conservation Commission/Staff Comments:

This ARRA funded project received an expedited review. In a memo dated 10/7/09, the Laconia Conservation Commission stated that they have no objections to the issuance of this permit.

APPROVE PERMIT:

Dredge and fill 13,127 square feet of wetland and temporarily impact 7,543 square feet of wetland to create 500 linear feet of new stream channel that was previously culverted in the 1950's for residential development. Approximately 800 linear feet of existing culvert/stormwater drains will be abandoned to complete this water quality improvement project in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King Inc. dated September 2009, as received by DES on September 30, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow conditions.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stream creation areas are constructed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
10. The banks and benches within the stream creation areas shall have at least 75% successful establishment of vegetation after two

- (2) growing seasons, or shall be replanted and re-established until a functional stream is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
- 12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
- 16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

- 1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
- 2. This water quality improvement project is funded by the ARRA Clean Water State Revolving Fund (project # CS-333201-05).
- 3. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
- 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 6. In a memo dated October 7, 2009, the Laconia Conservation Commission stated that they have no objections to the issuance of this permit.
- 7. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Rule Env-Wt 101.90.

MINOR IMPACT PROJECT

2006-01494 BRAGG, STEVE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Drive a 3-piling ice cluster, install 2 seasonal personal watercraft lifts, and add a 6 ft x 20 ft finger pier to an existing 10 ft x 52 ft non-conforming crib pier with 3 tie-off pilings and a 12 ft x 36 ft seasonal canopy on an average of 299 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by August 24, 2006.

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Drive a 3-piling ice cluster, install 2 seasonal personal watercraft lifts, and add a 6 ft x 20 ft finger pier to an existing 10 ft x 52 ft non-conforming crib pier with 3 tie-off pilings and a 12 ft x 36 ft seasonal canopy on an average of 299 ft of frontage on Lake

Winnepesaukee, in Moultonborough..

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 14, 2006, as received by DES on June 15, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
4. This permit shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All seasonal structures shall be removed for the non-boating season.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project does not meet the current requirements of Rule Env-Wt 402.06, Permanent Piers. This approval is being granted for the sole purpose of reaching a settlement agreement between the parties involved and shall not be interpreted as evidence of need for the construction of permanent docking facilities on any other lot in the vicinity of the subject property.
2. Rule Env-Wt 402.21, Modification of Existing Structures, is waived in accordance with Rule Env-Wt 204.04, Criteria.

2007-01834 BROOKFIELD POWER NEW ENGLAND
DUMMER Androscoggin River

Requested Action:

Amendment proposal to change the method of shoreline stabilization.

APPROVE AMENDMENT:

Stabilize with rip-rap approximately 30 linear feet (400 sq. ft.) of eroded bank near the tailrace area at an existing power station.

With Conditions:

1. All work shall be in accordance with plans by SYT Design Consultants revision dated as received by DES on October 12, 2009.
2. Work shall be done during low flow.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

DES reaffirms findings 1 through 7 with additional findings.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial
2. nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The bank erosion was a result of a heavy rainfall event in October 2005.
6. The bank must be repaired to prevent further erosion of the slope and sedimentation of the adjacent river.
7. The repairs are within the bank created when the dam was constructed and there are no wetland impacts proposed.
8. On October 12, 2009 DES received a proposed amendment request.
9. The amendment is necessary because the vegetated channel that was previously permitted washed out.

**2009-00269 CHARLESTOWN, TOWN OF
CHARLESTOWN Unnamed Wetland Beaver Brook**

Requested Action:

Dredge and fill ± 265 sq. ft. of Beaver Brook at Michael Ave. to replace an existing 36-inch x 60-foot corrugated culvert with a 8-foot x 5-foot x 60-foot open bottom box culvert.

APPROVE PERMIT:

Dredge and fill ± 265 sq. ft. of Beaver Brook at Michael Ave. to replace an existing 36-inch x 60-foot corrugated culvert with a 8-foot x 5-foot x 60-foot open bottom box culvert.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC dated September 24, 2009, as received by the Department on September 25, 2009.
2. Work shall be done during annual low flow conditions.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.

14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
17. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. The applicant shall notify DES in writing of their intention to commence construction no less than 5 business days prior to construction. The estimated length of construction time shall be provided in this notification.
24. The applicant shall notify DES in writing of the completion of construction no less than 10 business days after completion.
25. The application shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of perennial stream.
2. The Conservation Commission signed the originally submitted Minimum Impact Expedited Application.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The originally proposed 48-inch culvert has been upgraded to include an 8-foot box culvert.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00503 HUTTON PARTNERS LLC
OSSIPEE Unnamed Wetland

Requested Action:

Approve name change to: Hutton Partners LLC, 736 Cherry St., Chattanooga, TN 37402 per request received 10/09/09. Previous owner: Monja Von Maxcy.

APPROVE NAME CHANGE:

Dredge and fill a total of 3,112 sq. ft. of wetlands (843 sq. ft. of temporary impact and 2,269 sq. ft. of permanent impact) for construction of a roadway crossing for development of a commercial site.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering dated 6/19/2009, as received by DES on 6/22/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2009-00909 DUMAINE 2004 REVOCABLE TRUST, FREDERIC
STODDARD Granite Lake**

Requested Action:

Permanently remove 100 sq ft of rock placed in the waterbody, remove 65 sq ft of sand placed in the waterbody, remove 400 sq ft of sand placed on the bank, and restore the shoreline to pre-existing conditions on Granite Lake, Stoddard.

Conservation Commission/Staff Comments:

Informal enforcement related information combined in this file- see *Related case file notes* tab within enforcement database. -CTB

APPROVE PERMIT:

Permanently remove 100 sq ft of rock placed in the waterbody, remove 65 sq ft of sand placed in the waterbody, remove 400 sq ft of sand placed on the bank, and restore the shoreline to pre-existing conditions on Granite Lake, Stoddard.

With Conditions:

1. All work shall be in accordance with plans by SVE dated September 10, 2009, as received by DES on September 11, 2009.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. This permit does not allow dredging for any purpose other than the removal of the sand and rocks from jurisdiction.
4. Work shall be done during drawdown.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. The applicant shall submit photographic evidence to the file within 30 days of completion of the work. Photos shall show the bank restored to similar conditions as the adjacent shoreline, and sand and rock fill removed from the waterbody.
7. This permit is to restore the shoreline to pre-existing conditions and does not allow for the construction of a wall on the frontage.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards or rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01132 ALTON, TOWN OF
ALTON Unnamed Stream**

Requested Action:

Amendment proposal to increase the culvert span by 1 ft. and revise culvert bed and footing protection material.

APPROVE AMENDMENT:

Remove and Replace existing 48 inch CMP culvert on Alton Shores Road and upgrade with a 10 foot wide by 4 foot high (final opening) open bottom box culvert to prevent culvert failure and damage to the road and to improve conditions for fish passage through a perennial stream - Forhock Brook. Impact is 53 linear feet and fill of 370 sq. ft. temporary impact and 330 sq. ft. of permanent impacts to include stone aprons, coffer dams and stone lined swale and plunge pool. Install class B stone dressed with 6-8 in. round river stone to stabilize culvert area and replicate a natural substrate. Install 18" deep by 8' diameter stone lined plunge pool.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers, plan sheets 1 through 4 dated May 20, 2009 as received by DES on June 5, 2009 and revised plans and narratives received by DES on October 6, 2009.
2. Work shall be done during low flow.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The stream channel bed and culvert embedding materials shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
10. Prior to beginning work under this permit, the authorized Town official(s), the contractor, and the wetland scientist shall review the permit, plan and construction sequence to ensure that the work is planned to be carried out in a manner to minimize impacts to the environment and to ensure there will be no water quality degradation.
11. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure it constructed in accordance with the approved plans and narratives.
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
13. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

DES reaffirms findings 1 through 6.

1. The storms of 2006 eroded an entire section of Alton Shores Road and made the road impassable.
2. Due to the ongoing flooding issues at this location, the town of Alton sought and received a Hazardous Mitigation Grant from the NH Bureau of Emergency Management which is funded in part by the Federal Emergency Management Agency. This grant is providing funding to replace and upgrade the existing undersized culvert at Frohock Brook on Alton Shores Road.
3. The proposed culvert design effectively doubles the size of the culvert and will replicate natural conditions of the stream, thus improving instream habitat conditions and aquatic passage at the existing culvert crossing.
4. The proposed culvert upgrade project provides significant environmental benefit and furthers the public interest by minimizing and preventing further flooding and road damage.
5. Because of the public need and funding timeframe presented by this project, this permit request meets the guidelines for expediting permit application pursuant to SOP No. 201.
6. The applicant has secured permission from landowners within 20 feet and from direct abutters to carry out the work under this permit.

**2009-01264 MERRILL, STEVEN
MEREDITH Lake Winnepesaukee**

Requested Action:

Install a 6 ft x 40 ft seasonal dock connected to a previously permitted 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft walkway in a "U" shaped configuration, install a 6 ft x 4 ft concrete anchoring pad, and relocate one rock within a boatslip to a location to the north in front of the frontage on an average of 192 feet of frontage on Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application, however reclassified as a minor project

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock connected to a previously permitted 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft walkway in a "U" shaped configuration, install a 6 ft x 4 ft concrete anchoring pad, and relocate one rock within a boatslip to a location to the north in front of the frontage on an average of 192 feet of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated September 15, 2009, as received by DES on September 16, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Rocks removed from the lakebed shall be placed outside of the jurisdiction of the DES Wetlands Bureau unless another use is specifically permitted.
7. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of a 3 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 192 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

**2009-01184 BERG, JACQUELINE
NEWMARKET Unnamed Wetland**

Requested Action:

Dredge and fill 2,200 sq. ft. of wetlands, including installation of twin 18" x 35' culverts, to provide access to uplands for the development of a six-lot residential subdivision.

APPROVE PERMIT:

Dredge and fill 2,200 sq. ft. of wetlands, including installation of twin 18" x 35' culverts, to provide access to uplands for the development of a six-lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC dated 05/21/2009, as received by DES on 06/10/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some point to access buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is crossing the wetlands at the narrowest

location.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. Per email dated 09/15/2009, the NH Fish and Game Department is satisfied that efforts have been taken to reduce potential impacts to Blandings turtle and Spotted turtle, with the elimination of catch basins and straight granite curbing and with the establishment of protected and signed wetland buffers.

5. The Newmarket Conservation Commission provided comments which have been addressed either in direct response to the Commission by the applicant, or as conditioned herein.

FORESTRY NOTIFICATION

2009-01539 BECKFORD, WOODROW & HELENE
SALISBURY

COMPLETE NOTIFICATION:
Salisbury Tax Map 225, Lot# 1

2009-01942 MELICK, JAY
LYMAN Unnamed Stream

COMPLETE NOTIFICATION:
Lyman Tax Map 172, Lot# 118

2009-02152 HUCKINS, JOHN & CHERYL
FARMINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Farmington Tax Map R28, Lot# 1

2009-02157 DARRIN, JOSH & JEN GREANEY
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 12, Lot# 34

2009-02180 WOODHAMS, ROBERT
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 13-A4, Lot# 66

EXPEDITED MINIMUM

2005-02325 BECKETT, PAUL
ALTON Unnamed Wetland

Requested Action:

Approve amendment request to revise the road and lot layout and reduce the proposed wetland impacts from 300 square feet to 10 square feet.

APPROVE AMENDMENT:

Dredge and fill approximately 10 square feet of disturbed seasonal drainage for access to a proposed 8-lot subdivision on ± 15.34 acres.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC. dated June 21, 2009, and revised through August 31, 2009, as received by the NHDES Wetlands Bureau on October 01, 2009, and subdivision plans by Paul F. Zuzgo dated June 10, 2009, as received by the NHDES Wetlands Bureau on October 01, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the NHDES Wetlands Bureau.
5. Work shall be done in dry conditions.
6. This permit is contingent on approval by the DES Alteration of Terrain Program.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the NHDES Wetlands Bureau.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

The NHDES Wetlands Bureau reaffirms original findings no.'s 1-4:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

The NHDES Wetlands Bureau also makes the following additional findings:

5. This amendment approves the amendment request received October 01, 2009, to revise the road and lot layout and reduce the proposed wetland impacts from 300 square feet to 10 square feet.

2009-00444 THE NATURE CONSERVANCY
NEWMARKET Great Bay

Requested Action:

Fill in cellar holes on two lots in the developed upland tidal buffer zone following removal of two dwellings, and re-grade and re-plant with natural vegetation, including 363 sq. ft. of work on Newmarket Tax Map R1, Lot 15, and 144.5 sq. ft. of work on Newmarket Tax Map R1, Lot 22.

APPROVE PERMIT:

Fill in cellar holes on two lots in the developed upland tidal buffer zone following removal of two dwellings, and re-grade and re-plant with natural vegetation, including 363 sq. ft. of work on Newmarket Tax Map R1, Lot 15, and 144.5 sq. ft. of work on Newmarket Tax Map R1, Lot 22.

With Conditions:

1. All work shall be in accordance with plans by The Nature Conservancy dated 5/26/2009, as received by DES on 5/28/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Area shall be regraded to original contours following completion of work.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in the previously-developed upland within 100 feet of the highest observable tide line that are not major or minor as defined in Env-Wt 303.02 or 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The Nature Conservancy purchased the shorefront lots on Great Bay to protect the resource and removal of the existing dwellings and restoration of a natural upland shoreline facilitates that protection.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project consists of removing the dwellings, filling the cellar holes, regrading and revegetating the lots, enhancing the natural tidal buffer zone and shoreland functions.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no State or Federally threatened or endangered species reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Newmarket Conservation Commission signed the expedited application.
6. In response to ownership dispute raised by an abutter relative to tax map R1, Lot 22, the applicant has provided, as proof of ownership, a warranty deed to the property conveyed to the applicant, which is recorded at the Rockingham County Registry of Deeds at Book 4949, Page 167, as well as a Court Order, Docket #99-E-478, issued by Rockingham County Superior Court dated December 17, 2001, and recorded at Book 36905, Page 2274, finding that "...[t]he defendants, [abutters] Moskoff and Fotiades have no right, title, or interest of any sort in this real estate" in reference to the disputed portion of Newmarket Tax Map R1, Lot 22.
7. Based on finding number 6 above, DES finds that the applicant has met the requirement for reasonable proof of ownership by a private landowner-applicant, pursuant to RSA 482-A:11, II.
8. Issuance of this permit does not convey property rights. Any further ownership dispute between the parties is a civil matter and exceeds the scope of wetlands application review and jurisdiction.

Requested Action:

Proposal to dredge and fill 875 sq. ft. of wetlands for the construction of a driveway to a proposed home. Work in wetlands consists of installation of two wetlands crossings: Wetland crossing #1 consists of installation of 30 in. x 16 ft. culvert with associated headwalls, grading and filling and Wetland crossing #2 consists of installation of a 18 in. x 20 ft. culvert with associated headwalls, grading and filling.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 875 sq. ft. of wetlands for the construction of a driveway to a proposed home. Work in wetlands consists of installation of two wetlands crossings: Wetland crossing #1 consists of installation of 30 in. x 16 ft. culvert with associated headwalls, grading and filling and Wetland crossing #2 consists of installation of a 18 in. x 20 ft. culvert with associated headwalls, grading and filling.

With Conditions:

1. All work shall be in accordance with plan by Fernstone Associates for the Natural Resources dated June 6, 2009, as received by DES on September 14, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during non-flow.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow and Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not

in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received comments regarding concerns with use of the right-of-way. The applicant's agent provided a response/information indicating the the area of concern is not the right-of-way where impacts are proposed.

2009-01484 DUFFETT, STEVE & PAULETTE
BRADFORD Lake Massasecum

Requested Action:

Install a 4 ft x 30 ft seasonal dock attached to a 4 ft wide access stair on an average of 69 ft of frontage on Lake Massasecum, Bradford.

Conservation Commission/Staff Comments:

Con Com signed Exp App on 07/20/09

APPROVE PERMIT:

Install a 4 ft x 30 ft seasonal dock attached to a 4 ft wide access stair on an average of 69 ft of frontage on Lake Massasecum, Bradford.

With Conditions:

1. All work shall be in accordance with plans by Arthur Siciliano dated July 2008, as revised by Meridian Land Services, as received by DES on September 17, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. The access stairs shall be located landward of the reference line.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.
2. The applicant has an average of 69 feet of shoreline frontage along Lake Massasecum.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Under 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2009-02085 BRADLEY, ELIZABETH
CONCORD Unnamed Stream

Requested Action:

Proposal to dredge and fill approximately 410 sq. ft. of intermittent stream for the construction of a driveway to one lot of a two lot residential subdivision containing one existing home and a proposed 22.98 acre conservation easement on the 38.25 acre lot. Work in wetlands consists of installation of a 36 in. x 32 ft. culvert (corrugated inside and out) with associated stone headwalls and

grading, filling and side slope stabilization.

APPROVE PERMIT:

Dredge and fill approximately 410 sq. ft. of intermittent stream for the construction of a driveway to one lot of a two lot residential subdivision containing one existing home and a proposed 22.98 acre conservation easement on the 38.25 acre lot. Work in wetlands consists of installation of a 36 in. x 32 ft. culvert (corrugated inside and out) with associated stone headwalls and grading, filling and side slope stabilization.

With Conditions:

1. All work shall be in accordance with plan by Richard D. Bartlett & Associates, LLC, dated June 26, 2009, plan by A.C. Engineering & Consulting revision date August 18, 2009 and narratives by Stoney Ridge Environmental, LLC dated September 4, 2009, as received by DES on September 14, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during non-flow.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. There shall be no further alteration of wetlands for lot development or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has consulted with the New Hampshire Fish and Department and they are satisfied with the culvert design and proposed conservation easement.
6. A waiver request has been submitted in accordance with Administrative Rule Part Env-Wt 204 to waive the portion of Administrative Rule Env-Wt 304.09(a), which requires all wetlands to be identified on the property.
7. The applicant has provided a wetlands delineation that covers all areas proposed for development.
8. Approximately 60 percent of the remaining parent lot will be under a conservation easement held by the City of Concord Conservation Commission.
9. It is clearly depicted on the submitted plans where the field delineation was conducted and the location of the proposed building area.
10. The approval is conditioned on further permitting for any future wetlands impacts and conditioned on no wetland impacts for future lot development (note: trails or crossing for wildlife management may be considered).
11. DES has determined that waiving a portion of Administrative Rule Env-Wt 304.09(a) in this case will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety per Administrative Rule Env-Wt 204.04(a)(1)a., and that compliance with the rule in this case will provide no benefit to the public and will cause an operational or economic hardship to the applicant per Administrative Rule Env-Wt 204.04(a)(2)b.
14. Based on findings #7 through #11 the waiver request is approved.

2009-02125 SNOW III, HARRY
NEW LONDON Unnamed Wetland

Requested Action:

Dredge and fill ± 2,670 sq. ft. of palustrine forested wetlands to construct a fire pond and install a 18-inch x 33-foot ADS culvert for road access to a proposed 7-lot subdivision on ± 40 acres.

APPROVE PERMIT:

Dredge and fill ± 2,670 sq. ft. of palustrine forested wetlands to construct a fire pond and install a 18-inch x 33-foot ADS culvert for road access to a proposed 7-lot subdivision on ± 40 acres.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering, Inc. dated June 30, 2009, and revised through August 21, 2009, as received by the Department on September 18, 2009.
2. This permit is contingent on compliance with related NHDES Wetlands Bureau enforcement file 2000-02107.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culverts shall be laid at original grade.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. This permit is contingent on compliance with related NHDES Wetlands Bureau enforcement file 2000-02107.
3. The Conservation Commission signed the Minimum Impact Expedited Application.
4. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. A copy of the NH Division of Historical Resources (DHR) request for project review form and cover letter dated September 10, 2009, was received by the NHDES Wetlands Bureau on September 18, 2009.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02164 TEIKMANIS, MAHRA
FREEDOM Danforth Pond

Requested Action:

Repair existing 10 ft x 12 ft stone steps in kind and construct 4 ft x 12 ft landscape steps in the bank on Danforth Pond, Freedom.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair existing 10 ft x 12 ft stone steps in kind and construct 4 ft x 12 ft landscape steps in the bank on Danforth Pond, Freedom.

With Conditions:

1. All work shall be in accordance with plans by Mahra Teikmanis dated August 31, 2009, as received by DES on September 22, 2009.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair of existing structures.

TRAILS NOTIFICATION

2009-02370 TILLOTSON CORPORATION
DIXVILLE Hodge Brook

COMPLETE NOTIFICATION:

Dixville Tax Map 1626, Lot# 3

**2009-02379 DODGE, LINDA
NEW BOSTON Unnamed Stream**

COMPLETE NOTIFICATION:
New Boston Tax Map 7, Lot# 70

LAKES-SEASONAL DOCK NOTIF

**2009-02391 VIVINETTO, JOHN/PEGGY
NEW DURHAM March Pond**

COMPLETE NOTIFICATION:
New Durham Tax Map 15B, Lot# 27 March Pond

**2009-02408 MILLIN, PAUL & PRISCILLA
NEW DURHAM Chalk Pond**

COMPLETE NOTIFICATION:
New Durham Tax Map 15A, Lot# 76 Chalk Pond

PERMIT BY NOTIFICATION

**2009-01722 NEWPORT, TOWN OF
NEWPORT Sugar River**

Requested Action:

Disqualify permit by notification to temporarily impact approximately 150 sq. ft. of the Sugar River to repair sewage pipe bridge abutment.

PBN DISQUALIFIED:

Disqualify permit by notification to temporarily impact approximately 150 sq. ft. of the Sugar River to repair sewage pipe bridge abutment.

With Findings:

1. A notice of incomplete permit by notification requesting additional information dated August 13, 2009, addressed to the applicant or agent of record, clearly required the applicant to submit additional information to DES within 20 days of the request.
2. DES did not receive the requested additional information within the 20 days; and therefore, the permit by notification has been disqualified.

**2009-02077 MATSON, VERNON
JEFFERSON Unnamed Pond**

Requested Action:

Propose to maintenance dredge approximately 6,400 square feet of an existing man-made pond.

PBN IS COMPLETE:

Maintenance dredge approximately 6,400 square feet of an existing man-made pond.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k): Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that:(1) The work is done within the original bounds of a legally-constructed project; (2) The project is not located in or adjacent to prime wetlands; (3) The work does not exceed 20,000 square feet; and (4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01
2. The Fire Chief commented that the pond can be used for fire protection and suppression for the applicant's property and the surrounding area as the fire department has access. The fire chief further commented that the water supplies are vital to the fire department as the Town of Jefferson does not have municipal water or pressurized hydrants.
3. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, or the Natural Heritage Bureau.

**2009-02406 MONTGOMERY, JOHN
FRANCESTOWN Unnamed Stream**

Requested Action:

Dredge and fill ± 75 sq. ft. of intermittent stream and associated palustrine forested wetlands to install a 12-inch x 16-foot ADS culvert to extend an existing single family residence driveway to provide shared driveway access to a second single family existing lot of record.

PBN IS COMPLETE:

Dredge and fill ± 75 sq. ft. of intermittent stream and associated palustrine forested wetlands to install a 12-inch x 16-foot ADS culvert to extend an existing single family residence driveway to provide shared driveway access to a second single family existing lot of record.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments of concern were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. See related Permit by Notification 2005-02580.

CSPA PERMIT

**2007-02750 GOCHT, RONALD
SWANZEY Swanzey Lake**

Requested Action:

Impact 3,550 sq ft to construct a second single-bedroom, dwelling and subsurface system.

Inspection Date: 12/11/2007 by Thomas Gilbert

APPROVE PERMIT:

Impact 3,550 sq ft to construct a second single-bedroom, dwelling and subsurface system.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated October 28 and received by the Department of Environmental Services ("DES") on November 28, 2007.
2. This permit shall only be valid so long as none of the impacts authorized by Shoreland Permit #2008-01128 completed.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 12.57% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 8,530 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. RSA 483-B:9, V, (e), (2), which established limits on the number of dwelling units per 150 ft of frontage was repealed September 13, 2009, therefore the project is approvable.

**2009-01649 KARLSON, KATHERINE
WOLFEBORO Rust Pond**

Requested Action:

Impact 2,000 sq ft for the purpose of constructing a new foundation and deck and installing stormwater controls.

APPROVE PERMIT:

Impact 2,000 sq ft for the purpose of constructing a new foundation and deck and installing stormwater controls.

With Conditions:

1. All work shall be in accordance with plans by Peter Cooperdock, Fernstone Associates received by the Department of Environmental Services ("DES") on September 9, 2009.
2. No more than 16.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,193 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No impacts to native vegetation within the natural woodland buffer will occur in order to comply with RSA 483-B:9, V, (b), (2).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined

to remain in an unaltered state.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

2009-01819 PICKETT, THOMAS & CAROL
ALTON BAY Lake Winnepesaukee

Requested Action:

Impact 174 sq ft to construct a pervious deck and stairway.

APPROVE PERMIT:

Impact 174 sq ft to construct a pervious deck and stairway.

With Conditions:

1. All work shall be in accordance with plans received by the Department of Environmental Services ("DES") on October 8, 2009.
2. The proposed deck and stair surfaces shall be constructed utilizing pervious surfaces.
3. No more than 21.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Any increase in the impervious surface area within the protected shorelands on this lot shall require the restoration of the waterfront buffer to the minimum point scores required.
5. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01923 AUBURN, TOWN OF
AUBURN Massabesic Lake

Requested Action:

Impact 1,569 sq ft for the purpose of constructing a new facility entrance and trenching associated with underground utility lines.

APPROVE PERMIT:

Impact 1,569 sq ft for the purpose of constructing a new facility entrance and trenching associated with underground utility lines.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services and received by the Department of Environmental Services ("DES") on September 26, 2009.
2. No more than 49.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

**2009-01974 HATCH, DOROTHY/SCOTT
WAKEFIELD Belleau Lake**

Requested Action:

Impact 6,456 sq ft for the construction of a driveway, 3 bedroom home, septic and future garage.

APPROVE PERMIT:

Impact 6,456 sq ft for the construction of a driveway, 3 bedroom home, septic and future garage.

With Conditions:

1. All work shall be in accordance with plans by Kerry M. Fox, Fox Survey Co. dated August 26, 2009 and received by the Department of Environmental Services ("DES") on August 31, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 12,175 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,087 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02044 ANDERSON, JAN
TUFTONBORO Copp Pond

Requested Action:

Impact 6,719 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

APPROVE PERMIT:

Impact 6,719 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Peter Cooperdock, Fernstone Associates and received by the Department of Environmental Services ("DES") on September 4, 2009 and September 30, 2009.
2. No more than 9.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 11,439 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-02108 JOYCE, MARTHA/RICHARD
WASHINGTON Ashuelot Pond

Requested Action:

Impact 4,214 sq ft rebuild an existing cottage with foundation, septic, well and relocate walkway.

APPROVE PERMIT:

Impact 4,214 sq ft rebuild an existing cottage with foundation, septic, well and relocate walkway.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, LLC. dated September 14, 2009 and received by the Department of Environmental Services ("DES") on September 17, 2009.
2. No more than 22.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 278 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,716 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02145 LESTER, ROBERT & LINDA
NOTTINGHAM North River Lake**

Requested Action:

Impact 2,558 sq ft for the purpose of constructing a new garage and driveway.

APPROVE PERMIT:

Impact 2,558 sq ft for the purpose of constructing a new garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, LLC., received by the Department of Environmental Services ("DES") on September 21, 2009.
2. No more than 12.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,351 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,571 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 11. Silt fencing must be removed once the area is stabilized.

2009-02147 MCDONOUGH, JAMES K & PHYLLIS
NEWBURY Chalk Pond

Requested Action:

Impact 330 sq ft for the purpose constructing new pervious patio and repairing an existing retaining wall.

APPROVE PERMIT:

Impact 330 sq ft for the purpose constructing new pervious patio and repairing an existing retaining wall.

With Conditions:

- 1. All work shall be in accordance with plans submitted by James McDonough received by the Department of Environmental Services ("DES") on September 21, 2009.
- 2. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
- 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 11. Silt fencing must be removed once the area is stabilized.

2009-02160 GALANTE, DAVID & SHARON
LACONIA Lake Winnepesaukee

Requested Action:

Impact 912 sq ft for the purpose of connecting an existing residential dwelling to municipal sewer.

Conservation Commission/Staff Comments:

Called Tom Varney, what is the condition of the existing septic system? Called 10/12.

APPROVE PERMIT:

Impact 912 sq ft for the purpose of connecting an existing residential dwelling to municipal sewer.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated August 29, 2009, and received by the Department of Environmental Services ("DES") on September 22, 2009.
2. Upon completion of the proposed project, the existing septic system will pose no threat to adjacent surface waters.
3. No more than 21.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,620 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

**2009-02190 ENFIELD, TOWN OF
ENFIELD Mascoma Lake**

Requested Action:

Impact 4,000 sq ft to remove an existing forced main sewer line and install a new line under the lakebed.

APPROVE PERMIT:

Impact 4,000 sq ft to remove an existing forced main sewer line and install a new line under the lakebed.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. The project as proposed will not create any increase in impervious surface.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-02199 CIAMPA, JOSEPH & MARIA
LACONIA Lake Winnepesaukee

Requested Action:

Impact 100 sq ft to extend deck and fix outside basement wall.

APPROVE PERMIT:

Impact 100 sq ft to extend deck and fix outside basement wall.

With Conditions:

1. All work shall be in accordance with plans by Joseph Ciampa dated September 25, 2009 and received by the Department of Environmental Services ("DES") on September 25, 2009.
2. No more than 50% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02201 AUBURN, TOWN OF
AUBURN Clark Pond

Requested Action:

Impact 12,400 sq ft to replace damaged bridge.

APPROVE PERMIT:

Impact 12,400 sq ft to replace damaged bridge.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and

mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2009-02252 HIBBARD, GEORGE
MEREDITH Lake Waukewan

Requested Action:

Impact 20 sq. ft. to add on a mud room.

APPROVE PERMIT:

Impact 20 sq. ft. to add on a mud room.

With Conditions:

1. All work shall be in accordance with plans by Steve Converse, Superior Construction dated April 6, 2009 and received by the Department of Environmental Services ("DES") on October 1, 2009.
2. No more than 15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,747 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,020 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02253 GOFFSTOWN DPW, TOWN OF
GOFFSTOWN Glen Lake & Piscataquog River

Requested Action:

Impact 15,324 sq ft for drainage improvements within the South Mast Road right of way.

APPROVE PERMIT:

Impact 15,324 sq ft for drainage improvements within the South Mast Road right of way.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson dated June 3, 2009 and received by the Department of Environmental Services ("DES") on September 30, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain in an unaltered state.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

- 1. This project meets the intent and purposes of RSA 483-B and, therefore, is approved pursuant to RSA 483-B:9, IV-b.

2009-02263 HICKS, ROBERT
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 9,885 sq ft to build a new foundation under an existing building and construct a screened porch, deck, septic system, well and driveway.

APPROVE PERMIT:

Impact 9,885 sq ft to build a new foundation under an existing building and construct a screened porch, deck, septic system, well and driveway.

With Conditions:

- 1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated September 1, 2009 and received by the Department of Environmental Services ("DES") on October 1, 2009.
- 2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
- 3. No more than 15.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. The project as proposed will leave approximately 2,134 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,134 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-02287 LITTERST REVOC TRUST, DAWNE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1,450 sq ft in the removal of an existing basketball court and replace with a 24'x 28' barn with a 6'x 12' attached shed.

APPROVE PERMIT:

Impact 1,450 sq ft in the removal of an existing basketball court and replace with a 24'x 28' barn with a 6'x 12' attached shed.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants, LLC dated September 17, 2009 and received by the Department of Environmental Services ("DES") on October 2, 2009.
2. No more than 17.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 7,522 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,522 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02288 QUARTULLI, REX
GILFORD Lake Winnepesaukee

Requested Action:

Impact 8,550 sq ft to the construction of a new home with attached garage and the removal of an existing house.

APPROVE PERMIT:

Impact 8,550 sq ft to the construction of a new home with attached garage and the removal of an existing house.

With Conditions:

1. All work shall be in accordance with plans by Rex Quartulli dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 2, 2009.
2. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,066 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,797 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02289 MORRISSEY, JOHN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1,518 sq ft for the construction of a 24 ft x 26 ft attached garage with driveway expansion.

APPROVE PERMIT:

Impact 1,518 sq ft for the construction of a 24 ft x 26 ft attached garage with driveway expansion.

With Conditions:

1. All work shall be in accordance with plans by Matthew Wood, NH Environmental Consultants, LLC dated September 21, 2009 and received by the Department of Environmental Services ("DES") on October 2, 2009.
2. No more than 28.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,255 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,183 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02302 MOULTON, JOEL
FARMINGTON Coheco River**

Requested Action:

Impact 12,585 sq ft for the replacement of a bridge and associated roadway improvements.

APPROVE PERMIT:

Impact 12,585 sq ft for the replacement of a bridge and associated roadway improvements.

With Conditions:

1. All work shall be in accordance with plans by Jacobs Engineering dated July 1, 2009 and received by the Department of Environmental Services ("DES") on October 5, 2009.
2. The project as proposed will leave approximately 4,158 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,722 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

2009-02314 MEREDITH NAUTICAL CLUB LINC, BRIAN BAROODY
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 3,300 sq ft to remove and reconstruct an existing paved parking area and install a sewer pump station leading to municipal sewer line.

APPROVE PERMIT:

Impact 3,300 sq ft to remove and reconstruct an existing paved parking area and install a sewer pump station leading to municipal sewer line.

With Conditions:

1. All work shall be in accordance with plans by Nicole Roseberry, Ames Associates dated September 30, 2009 and received by the Department of Environmental Services ("DES") on October 3, 2009.
2. No more than 23.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02319 FICKETT FAMILY REVOC TRUST OF 2003, R & C
CENTER OSSIPEE Ossipee Lake

Requested Action:

Impact 9,614 sq ft for the construction of an addition and porch onto an existing home, remove 2 driveways and replace with pervious material.

APPROVE PERMIT:

Impact 9,614 sq ft for the construction of an addition and porch onto an existing home, remove 2 driveways and replace with pervious material.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. dated October 6, 2009 and received by the Department of Environmental Services ("DES") on October 7, 2009.
2. No more than 17.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,881 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,881 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

- 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02415 SWANZEY, TOWN OF
SWANZEY Ashuelot River**

Requested Action:

Impact 300 sq ft for the construction of an addition to an existing building.

APPROVE PERMIT:

Impact 300 sq ft for the construction of an addition to an existing building.

With Conditions:

- 1. All work shall be in accordance with plans by Forest Designs dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 13, 2009.
- 2. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

**2009-02069 JUDD, DAVID/JO-ANN
WAKEFIELD Horns Pond**

Requested Action:

Impact 3,600 sq ft for the purpose of constructing a new residential dwelling.

APPROVE PERMIT:

Impact 3,600 sq ft for the purpose of constructing a new residential dwelling.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans submitted by Keneth Paul and received by the Department of Environmental Services ("DES") on September 10, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.61% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 312 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,485 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All stormwater controls shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
15. All pervious technologies shall be designed, installed and maintained to effectively absorb stormwater.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Horns Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to revegetate previously existing impervious areas within the waterfront buffer with native vegetation.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the driplines of the new primary structure.
5. The applicant has proposed to use pervious technologies to construct a patio.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system behind the 150 foot natural woodland buffer.
7. The applicant has proposed to significantly enhance the waterfront buffer and install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

